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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,536	11/07/2001	Klaus Ries-Mueller	10191/2076	4707
26646	7590	03/01/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			DEBERADINIS, ROBERT L	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/035,536	Applicant(s) RIES-MUELLER, KLAUS	
	Examiner Robert DeBeradinis	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over AARON 5,745,030.

Regarding claim 1.

AARON discloses a device for protecting a motor vehicle against theft, comprising:

A sensor (1) for providing at least one sensor signal;

A command control unit (7), the command control unit being programmed to recognize certain sensors and which relays will be actuated under specific circumstances (column 6, lines 5-37) (the command control unit is the signal processing unit);

An alarm-signal generator (column 6, lines 17-33);

AARON does not disclose an operating-state detection unit. AARON'S command control unit functions as an anti-carjacking system (column 6, line 58) and as an anti-theft vehicle protection system which inherently determines the operating state

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of the vehicle to enable the anti-carjacking system or the conventional anti-theft protection system.

It would have been obvious to one having ordinary skill in the art at the time of this invention to modify the teachings of ARRON to include an operating detection unit. The motivation would be to have a separate unit separate from the command control unit to simplify a servicing requirement, for example, if the detection unit fails only the detection unit needs to be replaced.

Regarding claim 2.

AARON discloses the device of claim 1 wherein:

The at least one signal processing unit in the second operating mode detects the at least one sensor signal at a first instant and a second sensor signal at a second instant for producing the triggering signal for the alarm-signal generator (column 4, lines, lines 37-43).

Regarding claim 3.

AARON discloses the device according to claim 1, wherein:

One of the triggering signal for the functional unit and the triggering signal for the alarm-signal generator is generated when the at least one sensor signal exceeds a pre-definable limiting value (column 6, lines 47-51).

Regarding claim 4.

AARON discloses the device according to claim 1, wherein:

An evaluation of the at least one sensor signal (sensor 42) in the second operating mode is started by an activation event (column 8, lines 66, 67, column 9, lines 1-10).

Regarding claims 5, 7.

AARON discloses the device according to claim 1, wherein:

An activation of the second mode is performed at least one cyclically (the anti-theft mode when vehicle is not in motion) as a function of an output signal of an intrusion detection unit, and an output signal of another theft-warning device (the anti-theft mode changes to an anti-carjacking mode when the ignition switch is switched on; column 6, lines 58 plus).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over AARON 5,745,030 in view of YAMASHITA 5,927,112.

Regarding claim 6.

AARON discloses the device according to claim 1 having sensors (1-5).

AARON does not disclose an ultrasonic sensor.

YAMASHITA discloses an ultrasonic sensor (column 5, lines 10-15).

It would have been obvious to one having ordinary skill in the art at the time of this invention to modify the teachings of AARON to include an ultrasonic sensor. The motivation would be to sense the movement of the vehicle to determine when the vehicle is in motion to select the system function.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over AARON 5,745,030 in view of HIROTA 4,356,489.

Regarding claim 8.

AARON discloses the device according to claim 1.

AARON does not teach wherein a detector detects a surrounding field, and the alarm-signal generator is activated when a front distance and a rear distance change in a diametrically opposed manner.

HIROTA discloses a vehicle speed sensing apparatus with electromagnetic wave interference detector comprises a Doppler radar unit for producing a Doppler signal related to the vehicle speed.

The Examiner takes official notice. It is obvious and well known in the art that an electromagnetic wave will exhibit an interference pattern wherein the electromagnetic wave radiating from the front of the vehicle will change in a diametrically opposed manner when compared to the wave radiating from the rear of the vehicle when the vehicle is in motion.

It would have been obvious to one having ordinary skill in the art at the time of this invention to modify the teachings of AARON to detect a surrounding field. The motivation would have been to sense the forward movement of the vehicle to activate the anti-carjacking system.

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Any inquiry concerning this communication should be directed to Robert L. DeBeradinis whose number is (571) 272-2049. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Sircus, can be reached on (571) 272-2058. The Fax phone number for this Group is (703) 872-9306.

RLD

FEBRUARY 11, 2004

A handwritten signature in black ink, appearing to read "Robert L. DeBeradinis". The signature is written in a cursive, flowing style with a large initial "R".